

REMARKS

1. Claim Amendments

Applicants have amended claims 11 and 21 to better claim the invention. Accordingly, claims 1-8, 11-18 and 21 are pending in the present patent application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2. Claim Rejections – 35 U.S.C. § 102

Claims 11 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,077,791 issued to Salihi (hereinafter "Salihi"). To support such rejection, Salihi must disclose every element of the invention as claimed. More particularly, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). With the above requirement in mind, Applicant respectfully submits that Salihi fails to disclose every element of the invention as specified in each independent claim.

Regarding the amended independent claim 11, it now specifies that at least one message requesting based on a request from a user wishing to transition from a secure mode to a clear mode is sent **during a call**. In light this amendment and the Examiner's response to Applicants' previous argument (*see Office Action dated 06/12/2006, page 10, second paragraph*), Applicants believe Salihi simply fails to disclose every element as specified in claim 11. Accordingly, claim 11 is not anticipated by and is patentably distinguishable over Salihi.

Regarding the amended independent claim 21, it comprises at least one element that is similar to at least one novel element of claim 11. Accordingly, claim 21 is also not anticipated by and is patentably distinguishable over Salihi for reasons similar to those discussed above regarding claim 11.

3. **Claim Rejections – 35 U.S.C. § 103**

Claims 1-3, 5, 12-15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,151,677 to Walter et al. (hereinafter “Walter”) in further view of U.S. Patent No. 5,805,084 issued to Mannisto (hereinafter “Mannisto”). Before addressing this rejection in detail, it should be noted that the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *MPEP 2142*. To establish *prima facie* case of obviousness, certain criteria must be met. *First*, One criterion requires the prior art reference or references when combined must teach or suggest all the claim limitations. With this requirement in mind, Applicants respectfully traverse this rejection per discussion below.

Regarding independent claim 1, the Examiner [i] relies on **Walter** to disclose a pushbutton that allows a user to activate a secure transmission mode for a secure module, [ii] admits **Walter** fails to disclose that the pushbutton must be pressed for a certain amount of time and [iii] relies on **Mannisto** to disclose how the pushbutton such as a key of a phone can be depressed and hold for a given amount of time. *See Office Action, page 4*. Applicants respectfully submit that Walter, Mannisto or their combination fails to teach or suggest all elements of claim 1. For example, the element regarding “*staying in a clear mode if the key is held for a time period less than the predetermined amount of time*” is not taught or suggested by the prior art references.

Turning first to Walter, it does disclose a pushbutton (key) of a handset enabling a transition from a non-secure (clear) mode to a secure mode if a user presses such pushbutton. *Column 5, lines 34-37*. However, Walter fails to teach or suggest that the handset could remain or stay in the non-secure (clear) mode even if the pushbutton is pressed. As specified by claim 1, the handset would stay “*in a clear mode if the key is held for a time period less than the predetermined amount of time*”.

Turning to Mannisto, it also fails to teach or suggest the above-discussed element. More specifically, Mannisto discloses that if a key is pressed and held for a given amount of time, an **established** phone call would get terminated and the keyboard lock feature of the handset would get activated. Also, if such key is pressed and held for less than the given amount of time, the established phone call would get terminated without the keyboard lock feature being activated. *Mannisto, column 2, lines 39-45*. In summary, Mannisto discloses whether the keyboard lock feature of the handset would get activated after the established phone call is terminated based on

how long the key is pressed to terminate such established phone call. Mannisto is different from the method as specified by claim 1 for several reasons. First, Mannisto has nothing to do with non-secure and secure modes associated with calls as specified in claim 1. More specifically, activation of the keyboard lock feature of the handset is **not** the same as operation by the handset in a secure mode as defined by claim 1. Second, Mannisto is directed to how a handset could activate its keyboard lock feature **after the established call is terminated**. *In contrast*, method of claim 1 is directed to which mode of operation a handset is associated with **prior to making a call**. Thus Mannisto also clearly fails to teach or suggest the element regarding “*staying in a clear mode if the key is held for a time period less than the predetermined amount of time*”.

Accordingly, claim 1 should be non-obvious and patentably distinguishable over the cited prior art references.

Regarding claims 2-3, 5, 14-15 and 17, they directly or indirectly depend from independent claim 1, which is believed to be patentable, and thus these claims should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

Regarding claim 12, it comprises at least one element that is similar to at least one novel element of claim 1 and thus claim 12 should also be non-obvious and patentably distinguishable over the cited prior art references for reasons similar to those discussed above regarding claim 1.

Claims 4 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable Walter and Mannisto in view of U.S. Patent No. 5,845,205 issued to Alanara et al. (hereinafter “Alanara”). These claims depend from independent claim 1, which is believed to be patentable, and thus these claims should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

Claims 6-8 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable Walter and Mannisto as applied to claim 2 and further in view of U.S. Patent No. 6,442,406 issued to Harris et al. (hereinafter “Harris”). These claims indirectly depend from independent claim 1, which is believed to be patentable, and thus these claims should also be non-obvious and patentably distinguishable over the cited prior art references. *MPEP 2143.03*.

CONCLUSION

Claims 1-8, 11-18 and 21 are presently standing in this patent application. In view of the foregoing remarks, each and every point raised in the Office Action mailed on June 12, 2006, has been addressed on the basis of the above remarks. Applicants believe all of the claims currently pending in this patent application to be in a condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested. However, should the Examiner believe that direct contact with Applicants' attorney would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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By: 
Dang M. Vo, Registration No. 45,183
858-845-2116

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502